

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STYLIANOS N. STYLIANOUDIS and
VALLEREY S. VANDEGRIFT,

Pro se Plaintiffs,

-against-

Starwood Hotels & Resorts Worldwide, Inc.,
Sheraton Overseas Management Corporation,
The Sheraon LLC, and Arab Company for
Touristic Projects S.A.E.,

Defendants.

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DORA L. IRIZARRY, United States District Judge:

On November 7, 2012, *pro se* plaintiffs attempted to file this action in the United States District Court for the Southern District of New York (“S.D.N.Y.”) against defendants pursuant to 28 U.S.C. § 1332 for injuries sustained when plaintiff Stylianoudis fell while exiting the bathtub at the Sheraton Cairo Hotel in Egypt on November 10, 2010. Although the complaint was captioned for the Southern District of New York, the papers were forwarded to this Court by the Southern District *Pro Se* Office because: “The check is made payable to the E.D.N.Y. Our courthouse has construed this as an Eastern District case.” (*See* Letter Dated Nov. 13, 2012 from *Pro Se* Intake Clerk R. Diaz, Doc Entry No. 1-2.)¹

Pursuant to the venue provision governing civil actions in the district court, this action may be filed in the judicial district where any defendant resides or where a substantial part of the events or omissions giving rise to the claim occurred. *See* 28 U.S.C. § 1391(b). Here, none of the defendants reside in the Eastern District of New York and none of the events alleged

¹ The Court notes that the cover letter from plaintiff Vandegrift to the Southern District *Pro Se* Department enclosing the check states that, “I have enclosed a personal check made payable to: ‘The Clerk of Court, S.D.N.Y.’” (*See* Attachment To Letter Dated Nov. 13, 2012 from *Pro Se* Intake Clerk R. Diaz, Doc Entry No. 1-2.)

occurred within this district. Rather, plaintiffs allege that Sheraton Overseas Management Corporation and the Sheraton LLC are located in White Plains, New York and that the events giving rise to the claim occurred in Cairo, Egypt.

Accordingly, this case is hereby transferred to the United States District Court for the Southern District of New York. *See* 28 U.S.C. §1404(a) (district court may transfer case filed in the wrong district to any district in which it could have been brought). Further, although the check was made payable to “The Clerk of Court-E.D.N.Y.,” the Court notes that the Southern District of New York has already stamped the back of the check; therefore, this Court cannot process the check. The Clerk of this Court is directed to send the check to the Clerk of Court of the Southern District of New York with a copy of this Order. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven-day delay is waived. No summons shall issue from this court.

SO ORDERED

DATED: Brooklyn, New York
December 11, 2012

_____/s/_____
DORA L. IRIZARRY
United States District Judge